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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,081	10/28/2003	Chung-Hsien Hsieh	14012 B	4169

7590

07/14/2005

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EXAMINER

HANEY, RICHAE LEE

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,081

Applicant(s)

HSIEH, CHUNG-HSIEN

Examiner

Richale L. Haney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

1. The disclosure is objected to because of the following informalities: The subject headings are improperly underlined and should be in all caps.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watley (6,802,082) in view of Siracusa (6,049,904). Watley shows a camouflage net structure (Column 2, lines 9-11) with a face window (Figure 4, 60) decorated with fabric strips intended to camouflage (Column 2, lines 11-15, and lines 37-41). It can be seen that the above invention lacks the addition of a mosquito screen attached to a hat with a bridle at the lower peripheral edge that is sewn inside of the camouflage netting. Siracusa discloses a hat with an insect repellent screen attached on the outside of the structure (Figure 1,1) and a bridle at the lower peripheral edge. It is noted that bridle has been interpreted as a type of harness. It would have been obvious to one of ordinary skill at the time the invention was made to modify Watley by providing a hat and mosquito net as shown by Siracusa in order to obtain additional protection against environmental circumstances.

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4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watley and Siracusa as applied to claims 1, 2, 3, and 5 above, and further in view of Cox et al (6,127,007). The modified device of Watley teaches all of the claimed invention except for the fabric being made from a fire resistant material. Cox et al discloses a cape-like camouflage suit (Figure 14D) that is made to be flame retardant (Column 3, Lines 46-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Watley and Siracusa by incorporating fire resistant fabric as taught by Cox et al for additional safety in an outdoor environment.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watley and Siracusa as applied to claims 1, 2, 3, and 5 above, and further in view of Schweizer (5,144,695). The modified device of Watley discloses all of the claimed invention except for the particular means of securing the hat to the wearer's head. Schweizer shows a retaining device for headwear comprising a band and slide member. It would have been obvious to one of ordinary skill at the time the invention was made to further modify Watley by providing a securing device as taught by Schweizer in order to prevent the cap from being removed from the head of the wearer.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. St-Germain (D346,893) discloses a hat and net design.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richale L. Haney whose telephone number is 571-272-8689. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on 571 -272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richale Haney
Patent Examiner
Art Unit 3765
July 7, 2005

RLH


JOHN J. CALVERT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700